

REMARKS

Applicant and the undersigned thank the Examiner for his time and consideration during a telephone interview on 16 January 2001. In view of the telephone interview, the above amended claims and the following remarks, Applicant respectfully requests reconsideration of this patent application.

Applicant's Claimed Invention

Applicant's claimed invention requires, in independent Claim 9, a headrest assembly for connecting a headrest with respect to a seat frame of a vehicle comprising: a headrest guide having two sleeves, each sleeve forming a channel, the two sleeves rigidly connected with respect to one another so that the channel of each sleeve is parallel with the other, the headrest guide forming an integrally molded, unitary component; a headrest insert; and two generally parallel rods, each rod fixed at one end with respect to the headrest insert and slideable at an opposite end with respect to one channel in the headrest guide. Newly added independent Claim 21 requires a headrest assembly for connecting a headrest to a seat frame, the headrest assembly comprising: a headrest guide attached to the seat frame and forming a unitary molded component having two sleeves, each sleeve forming a channel wherein centerlines of each channel are parallel with respect to one another; and a headrest insert having two generally parallel rods, each rod fixed at one end with respect to the headrest insert and slideable at an opposite end with respect to one

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channel in the headrest guide.

Information Disclosure Statement

The Examiner has alleged that the Information Disclosure Statement filed 29 September 2000 fails to comply with 37 C.F.R. 1.98(a)(2) requiring a legible copy of each U.S. and foreign reference. Applicant notes that 37 C.F.R. 1.98(d) states that "a copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." Applicant notes that copies of all art cited on 29 September 2000 are in the parent U.S. patent application file, U.S. Ser. No. 09/435,980. Applicant urges that the Information Disclosure Statement filed 29 September 2000 meets the conditions of 37 C.F.R. 1.98(d) and thus the art cited therein should be considered by the Examiner.

Election/Restriction

The Examiner has alleged that the invention described in Claims 5 and 9-13 in Group II is patentably distinct from that described in Claims 14-20 in Group III. In a provisional election, Applicant elected, with traverse, Claims 5 and 9-13. However, Applicant urges that Claims 9-13 are readable upon Figs. 4 and 6 and that such figures are necessary to an understanding of the invention claimed in Claims 9-

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13. Applicant notes that Claim 9 requires: (a) a headrest guide (element 50 in Figs. 4 and 6); (b) a headrest insert (element 20 in Fig. 3); and (c) two generally parallel rods (element 30 shown in Figs. 3 and 4). As such, Applicant urges that Claim 9 read on Figs. 4 and 6 and therefore such figures should be considered in the examination of the subject U.S. patent application.

Drawings

The Examiner has objected to the drawings for failing to comply with 37 C.F.R. 1.84(p)(5) for failing to include reference element 38 in the Specification. As discussed below, Applicant has corrected this defect by adding reference element 38 to the Specification.

The Examiner has also objected to the drawings under 37 C.F.R. 1.83(a) for failing to show how the flexible coupling is configured. Applicant has cancelled Claim 5 and deleted the term "flexible coupling" from Claim 9 however Applicant urges that Fig. 3 shows the flexible coupling as described in the Specification. The second full paragraph of Page 6 of the Specification teaches that a joint 40 positioned between the two receivers 25 of the headrest insert may comprise a ball and socket joint. A ball and socket joint is conventional term known to those having ordinary skill in the art and is shown in Fig. 3 and comprises one embodiment of the flexible coupling as originally claimed. Applicant urges that such rejection is therefore rendered moot and/or traversed by the preceding argument.